

Tempe City Council October 5, 2006

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 p.m.

1. INVOCATION - Councilmember Mitchell
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Vice Mayor Hutson
 - A. Approval of Council Meeting Minutes
 1. Council's Executive Session – June 15 & 29, July 6 & 20, August 11 & 17, and September 21, 2006
 2. Council's Issue Review Session – September 21, 2006 [20061005clrkck01.pdf](#)
 - 2a. Council's Formal Meeting – September 21, 2006 [20061005clrkck02.pdf](#)
 3. Council's Finance, Economy & Veterans Affairs Committee – September 19, 2006 [20061005feva01.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 4. Aviation Commission – August 24, 2006 [20061005tavco01.pdf](#)
 5. Commission on Disability Concerns – August 15, 2006 [20061005cdc01.pdf](#)
 6. Committee for Youth, Families & Community – June 19, 2006 [20061005cyfc01.pdf](#)
 7. Development Review Commission – July 25 & August 8, 2006 [20061005drc01.pdf](#) [20061005drc02.pdf](#)
 8. Double Butte Cemetery Advisory Committee – August 9, 2006 [20061005prmr02.pdf](#)
 9. Hearing Officer – August 15 & September 5, 2006 [20061005ho01.pdf](#) [20061005ho02.pdf](#)
 10. Historic Preservation Commission – August 10, 2006 [20061005hpc01.pdf](#)
 11. Mayor's Youth Advisory Commission – September 5, 2006 [20061005myac01.pdf](#)
 12. Municipal Arts Commission – August 16, 2006 [20061005mac01.pdf](#)
 13. Neighborhood Advisory Commission – August 2, 2006 [20061005nac01.pdf](#)
 14. Parks and Recreation Board – June 13, 2006 [20061005prmr01.pdf](#)
 15. Tardeada Advisory Board – August 3, 2006 [20061005tab01.pdf](#)
 16. Tempe Sports Authority – July 25 & August 29, 2006 [20061005tsa01.pdf](#)

[20061005tsa02.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- 2006 Arizona Parks and Recreation Association Partnership Award
- Introduction of guests from Sister Cities Skopje, Macedonia; Regensburg, Germany; Zhenjiang, China
- International Young Artists Best of Show Award

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

17. Request approval of a lease agreement between the City of Tempe and Arizona State University School of Nursing for health services at the North Tempe Multigenerational Center.

DOCUMENT NAME: [20061005csjt01.pdf](#) NORTH TEMPE MULTI-
GENERATIONAL CENTER (0706-47)

18. Request approval of the first addendum to the Childsplay - Mitchell School Development and Disposition agreement

DOCUMENT NAME: [20061005cdnc02.pdf](#) COMMUNITY DEVELOPMENT
ADMIN. (0406)

19. Request approval of an Amended Subdivision Plat by BANK OF AMERICA at 2519 West Alameda Drive.

COMMENTS: (Mark Haladyna, Gensler, applicant; Bank of America, N.A.,

property owner) (PL060443) located at 2519 West Alameda Drive, in the GID, General Industrial District for:

SBD06009 An Amended Subdivision Plat, consisting of two (2) lots on 3.95 net acres.

DOCUMENT NAME: [20061005dssv01.pdf](#) **PLANNED DEVELOPMENT (0406)**

20. Request approval of a Final Subdivision Plat by MILLER-CURRY TOWNHOMES at 1245 North Miller Road.

COMMENTS: (Mark Richmond, owner; Delorme & Associates, Applicant) (PL060546) located at 1245 North Miller Road, in the GID, General Industrial District, including the following request:

SBD06013 Final Subdivision Plat consisting of 13 lots and 1 tract on 1.13 acres.

DOCUMENT NAME: [20061005dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *21. This is a public hearing to recommend the approval of a Series 06 Bar Liquor License for PKP, Inc., dba Yogi's Sports Bar & Grill, 1400 S. McClintock Drive.

COMMENTS: John Pulzato, Agent

DOCUMENT NAME: [20061005LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *22. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Pointe South Mountain Resort, LLC, dba Aunt Chilada's, 2021 West Baseline Road.

COMMENTS: H. J. Lewkowitz, Agent

DOCUMENT NAME: [20061005LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *23. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Rising Sun Restaurant Group, LLC, dba Bamboo Club, 699 S. Mill Avenue.

COMMENTS: Michael Garnreiter, Agent

DOCUMENT NAME: [20061005LIQ3.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

24. Request award of a Construction Manager at Risk Construction Services contract plus a construction change order allowance to Hunter Contracting Co.; and request the approval of a professional services contract with CMX, LLC., for construction management services for the Johnny G. Martinez Water Treatment Plant Modifications Phase 3.

COMMENTS: Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$12,469,335 plus a construction change order allowance of \$500,000, subject to execution of the final written contract; and a

professional services contract in the sum of \$258,421, subject to the execution of final written contract.

DOCUMENT NAME: [20061005PWMG01.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3201091**

25. Request award of a Construction Manager at Risk Construction Services contract to Rowland Companies-Southwest, Inc., plus a construction change order allowance for the Double Butte Cemetery improvements project.

COMMENTS: Construction Manager at Risk Construction Services contract for a Guaranteed Maximum Price of \$1,748,776, plus a construction change order allowance of \$220,000, subject to execution of the final written contract.

DOCUMENT NAME: [20061005PWMG03.pdf](#) **DOUBLE BUTTE CEMETERY (0702) PROJECT NO. 5901351**

26. Request award of a Construction Manager at Risk Construction Phase Services contract to D. L. Withers Construction, LC, for the Apache Boulevard Police Substation Security Upgrades.

COMMENTS: Subject to the execution of the final written contract for a Guaranteed Maximum Price of \$327,000.

DOCUMENT NAME: [20061005PWDR06.pdf](#) **CITY FACILITIES (1001) PROJECT NO. 5500962**

27. Request approval of an addendum to a professional services contract with Architekton for the Tempe Center for the Arts.

COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$380,000.

DOCUMENT NAME: [20061005PWJH07.pdf](#) **TEMPE ARTS CENTER (0109-19) PROJECT NO. 57-997005**

28. Request approval of an addendum to a professional services contract with CMX, LLC, for construction management services for the Johnny G. Martinez Water Treatment Plant 12MG Reservoir and Finished Pump Station project.

COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$238,323.

DOCUMENT NAME: [20061005PWTG04.pdf](#) **WATER MANAGMENT (0811) PROJECT NO. 3201094**

29. Request approval to increase the City's construction contract contingency by \$140,000, and approval of an addendum to the professional services contract with Oridian Construction Services, LLC, for construction management services for the Curry Road Waterline from Scottsdale Road to Stadem Drive.

COMMENTS: Increase construction contract contingency from \$200,000 to \$340,000; and an addendum to the professional services contract in an amount not to exceed \$58,000, subject to execution of the final written addendum.

DOCUMENT NAME: [20061005PWTG05.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3200031**

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *30. This is the **introduction and first public hearing** for a General Plan Major Amendment for FUTURE ARTS RELATED DEVELOPMENT at 1002 West Rio Salado Parkway. **The second public hearing is set for October 19, 2006.**

COMMENTS: (City of Tempe, owner; Nancy Ryan, applicant) (PL060403) for a General Plan Amendment located at 1002 West Rio Salado Parkway in the MU-4, Mixed Use, High Density; GID, General Industrial; and R1-6, Single Family Residential zoning districts, including the following request:

GEP06001 Resolution No. 2006.54 General Plan Land Use Map Amendment from Public Open Space and Public Recreational / Cultural to Mixed-Use, and a Projected Residential Density Map from No Density to Medium to High Density (up to 25 dwelling units per acre), all located on approximately 12 acres.

DOCUMENT NAME: [20061005dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- *31. This is the **second public hearing** for an ordinance authorizing the conveyance of the City's interest in certain real property to Miravista Holdings.

DOCUMENT NAME: [20061005cdnc01.pdf](#) **REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2006.81**

- *32. This is the **second public hearing** for a Zoning Map Amendment and a Planned Area Development Overlay for ARMORY at 323 East Veteran's Way.

COMMENTS: (David Krumwiede, College Avenue Advisors LLC, property owner, Manjula Vaz, Gammage & Burnham, applicant) (PL060380) for the development of two mixed-use buildings (17-story and 20-story), consisting of 364 residential condominium units, 29,146 s.f. of commercial/restaurant area, 45,246 s.f. of office area, and a below-grade parking garage on 1.62 acres, located at 323 East Veteran's Way, in the CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited, and Transportation Overlay District, including the following request(s):

ZON06004 Ordinance No. 2006.68 Zoning Map Amendment from CSS, Commercial Shopping and Service District / R1-6, Single Family Residential / R-3, Multi-Family Residential Limited to MU-4, Mixed-Use, High Density District.

PAD06005 – Planned Area Development Overlay for approximately 247,500 s.f. of building area, including condominium units and commercial space.

DOCUMENT NAME: [20061005dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *33. This is the **second public hearing** for an ordinance granting an easement to Salt River Project to allow for the installation of underground power and underground communication or data transmission facilities at Stroud Park.

DOCUMENT NAME: [20061005PWMG02.pdf](#) **GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2006.80**

E. Resolutions

34. Request approval of a resolution adopting the amended Section 457(b), Eligible Deferred Compensation Plan.

COMMENTS: Adopting the amended Section 457(b) Eligible Deferred Compensation plan to accept rollovers from plans qualified under Code 401(a), 401(k), 403(a) and 403(b) as permitted by the Internal Revenue Service.

DOCUMENT NAME: [20061005HRJH01.pdf](#) **DEFERRED COMPENSATION PLAN (0119-06) RESOLUTION NO. 2006.80**

35. Request approval of a resolution authorizing an amendment to the Firefighter Unit's MOU.

COMMENTS: Amendment would allow Unit members to increase contributions to their Retiree Health Insurance Trust Fund and authorize the City to divert those contributions from Unit members' paychecks.

DOCUMENT NAME: [20061005IAKJ01.pdf](#) **FIRE – MEET & CONFER (0303-08-01) RESOLUTION NO. 2006.83**

6. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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